

*James John Rud and Brian Keith Hausfeld, et al.*

*vs.*

*Nancy Johnston, et al.*

U.S. District Court No. 23-cv-00486 (JRT/LIB)

**DECLARATION OF  
EMILY B. ANDERSON**

**EXHIBIT 1**

**From:** [Dan Gustafson](#)  
**To:** [Aaron Winter](#)  
**Cc:** [Karla Gluek](#); [Tony Stauber](#); [Joe Nelson](#); [David Goodwin](#); [Emily Anderson](#); [Gabriel Ulman](#)  
**Subject:** RE: Rud Order  
**Date:** Wednesday, March 22, 2023 4:22:57 PM

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Aaron

I am glad to hear vacation is coming. I hope its warm and enjoyable.

What I want to discuss is the waiting list and how the State intends to hand Rud vis a vis others ahead of him.

I get you might not want to tell me, but you should know that we intend to file other motions for people on the list. We don't currently represent them correct, but we will shortly as their other counsel have been inquiring.

So if you feel like you can give me your thoughts, perhaps we can work something out.

If not, it is what it is and we will proceed

Dan

**Daniel E. Gustafson** ([profile](#))  
**(He/Him/His)**  
**Gustafson Gluek PLLC**  
Canadian Pacific Plaza  
120 South Sixth Street, Suite 2600  
Minneapolis, MN 55402  
Office Phone: (612) 333-8844  
Cell Phone: (612) 850-2288

[website](#) | [vCard](#) | [map](#)

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**From:** Aaron Winter <Aaron.Winter@ag.state.mn.us>  
**Sent:** Wednesday, March 22, 2023 4:18 PM  
**To:** Dan Gustafson <DGustafson@gustafsongluek.com>  
**Cc:** Karla Gluek <kgluek@gustafsongluek.com>; Tony Stauber <tstauber@gustafsongluek.com>; Joe

Nelson <jnelson@gustafsongluek.com>; David Goodwin <DGoodwin@gustafsongluek.com>; Emily Anderson <Emily.Anderson@ag.state.mn.us>; Gabriel Ulman <Gabriel.Ulman@ag.state.mn.us>

**Subject:** RE: Rud Order

(CCing Emily and Gabe above)

Hi Dan,

Consistent with our motion response and our emails with Tony yesterday, our view remains that you don't currently represent anyone else on the waiting list and that discovery (as to putative absent class members or otherwise) is premature at this point. I saw Tony emailed again this afternoon and we'll follow up on that shortly.

I'm not sure yet whether Defendants will appeal but if so you'll see a notice within the next few days, and we'll let you know if we decide not to. Also FYI I'll be on vacation starting tomorrow afternoon through next Thursday, but I'll be happy to discuss further when I get back.

Thanks,

Aaron

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**From:** Dan Gustafson <[DGustafson@gustafsongluek.com](mailto:DGustafson@gustafsongluek.com)>

**Sent:** Wednesday, March 22, 2023 2:35 PM

**To:** Aaron Winter <[Aaron.Winter@ag.state.mn.us](mailto:Aaron.Winter@ag.state.mn.us)>

**Cc:** Karla Gluek <[kgluek@gustafsongluek.com](mailto:kgluek@gustafsongluek.com)>; Tony Stauber <[tstauber@gustafsongluek.com](mailto:tstauber@gustafsongluek.com)>; Joe Nelson <[jnelson@gustafsongluek.com](mailto:jnelson@gustafsongluek.com)>; David Goodwin <[DGoodwin@gustafsongluek.com](mailto:DGoodwin@gustafsongluek.com)>

**Subject:** Rud Order

Aaron,

Now that the Court has entered the Rud Injunction, can you provide a list of the 16 people on the waiting list a MSOP for transfer to CPS – I thought we might talk about an order process to move them in place on list. In the alternative, I can bring individual motions if you prefer but that doesn't seem particularly efficient.

Also, let me know if you plan to appeal as Plaintiffs may also cross appeal.

Let me know your thoughts please

Dan

**Daniel E. Gustafson** ([profile](#))

(He/Him/His)

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